UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION - FLINT

DARRYL DUDLEY, #151365

Plaintiff(s),

CASE NO.: 05-CV-60142-AA

VS.

JOHN DOE, "D. RICHARD", Prison Guard,

HON. JOHN CORBETT O'MEARA MAG. JUDGE WALLACE CAPEL, JR.

Defendant(s).

ORDER DENYING MOTION FOR RECONSIDERATION

This matter is before the Court on the Plaintiff's "Request For Reconsideration In Appointment Of Counsel," filed on August 31, 2005, [D/E #12]. In his motion, the Plaintiff is requesting that the undersigned reconsider the Order entered on August 18, 2005, denying his motion for appointment of counsel in this matter. Having considered the merits of the motion, and reviewing the file in this matter, the undersigned finds no basis to modify the order as previously entered.

Local Rule 7.1(g)(3) states that "Generally, and without restricting the court's discretion, the court will not grant motions for rehearing or reconsideration that merely present the same issues ruled upon by the court, either expressly or by reasonable implication. The movant must not only demonstrate a palpable defect by which the court and the parties have been misled but also show that correcting the defect will result in a different disposition of the case."

As stated in the order denying appointment of counsel, it appears that the Plaintiff is able to

articulate his claims and to prosecute this matter in a reasonable fashion. Although Plaintiff argues

that he does not have access to the Administrative Files pertinent to his claim, a review of the

Plaintiff's complaint indicates that he has attached the requisite grievance documents necessary at

this time to pursue his claim, and nothing further is needed by the Court at this time. He has not

presented anything new to persuade the Court that the appointment of counsel at this stage of the

proceedings is necessary.

IT IS HEREBY ORDERED that the Plaintiff's motion for reconsideration is hereby

DENIED.

The parties are hereby informed that any objection to this order must be filed with

the district court within ten days after service, pursuant to Rule 72(a), Federal Rules of Civil

Procedure.

DATED: September 13, 2005

s/ Wallace Capel, Jr.

WALLACE CAPEL, JR.

UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

I hereby certify that on <u>September 13, 2005</u>, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: <u>not applicable</u>, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: <u>Darryl Dudley</u>, #151365, <u>Standish Maximum Correctional</u>

Facility, 4713 W. M-61, Standish, MI 48658

s/ James P. Peltier

James P. Peltier

Courtroom Deputy Clerk

U.S. District Court

600 Church St.

Flint, MI 48502